

From: [Chris Rowe](#)
 To: [Christina Walsh](#)
 Cc: [Susan Callery](#); [Rick Brausch](#); [Merrilee Fellows](#), (HQ-NB000); [Stephanie Jennings](#); [Cassandra Owens](#); [Nicole Moutoux/R9/USEPA/US@EPA](#); [Craig Cooper/R9/USEPA/US@EPA](#)
 Subject: Re: CAG Request for SSFL
 Date: 11/21/2009 11:10 PM

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Dear Christina,

I cannot comment on your CAG situation at this time. As you know, we had this discussion about a year and a half ago about CAG's. You know that the CAG was killed in the end because the Workgroup felt that they would lose their power if a CAG was formed. They believed that the CAG would kill the Workgroup.

Marge and I always wanted a "Round table" - like we have at DTSC right now.

I have tried to create that "Round Table" group - that was a motion that I tried to make last Spring at SSMAC. I wanted a larger all encompassing Community Action Group where anyone that wanted to be there could be there. I never wanted to be the leader of the CAG.

I had wanted Norm to lead the CAG when he was the Project Manager for DTSC.

Now, we have Rick. I am happy that we continue to have meetings at DTSC with Rick and Susan in the lead. I think that they should include the RPs - just like at the Consent Order meetings. And people like Laura and Tom, as well as Cassandra and David Hung, should be there as well. And we don't have anyone that I have met that replaced Jerry Hensley running around. We also don't have the EPA at those DTSC meetings. They could learn so much about the site from being involved in those meetings as well.

Now the DTSC has a new CAG manual:

http://www.dtsc.ca.gov/GetInvolved/upload/PP_Guidance_CAG.pdf

It states that the DTSC nor the LARWQCB can lead a CAG or be on the CAG. Other agencies may not be able to be on the CAG according to this.

"A Community Advisory Group's (CAG) purpose is to provide a public forum for stakeholders to discuss issues and concerns relating to environmental projects under the California Environmental Protection Agency (Cal EPA), Department of Toxic Substances Control's (DTSC) direct oversight. Chapter 6.8 of the California Health and Safety Code outlines how a CAG will form. A CAG is made up of members who represent the entire community including local political or government agency representatives, environmental groups, community activist groups, responsible parties, and the general public who have an interest and concern for their environment.

Please note that the law does not include some elected officials, state or

federal representatives as members of a CAG. DTSC, the Waterboard and other appropriate state/federal agencies may attend and provide information to a CAG, but they are not members according to the statute. Chapter 3, #6 located on page 10 goes into further detail regarding who can be a CAG member."

Christina, I don't have the answers. I know that everyone is frustrated. We all want the site cleaned up.

The State is obligated to enforce their interpretation of SB 990. The other agencies and RP's have their own interpretations of SB 990.

The Federal agencies must follow their own applicable laws - and they may have the Supremacy Clause on their side. I do not claim to be an attorney - or to understand the law - but just like you, I want a clean up that is protective of public health and the environment - as the California Health and Safety Code states.

We are caught between a "rock and a hard place". There was very good intention by everyone to write SB 990. No one realized that it would create a quagmire.

I thought that CEQA, NEPA, and the Balancing Criteria would still protect the public health and the endangered species. I have heard it said that sometimes the "Endangered Species Act" actually is more protective in some ways.

Think of the Sacramento Delta. We can't get some of the water that we need because we need to protect the smelt.

Our problem is that the law came before the characterization. Now we can't even detect to SB 990 limits in the lab let alone the field for some things. We don't have the Feasibility Study done yet.

And you were there with Cassandra when we were at Outfall 8 and I asked if the cleanup was SB 990 compliant. And Cassandra said: "Chris, we don't even have Background yet. We don't have the SB 990 numbers yet."

We know that we can't even find soil to back fill those holes that is SB 990 compliant. And now we have the LARWQCB meeting to discuss those issues.

So we have to wait another 2 - 3 years to get all of the sampling done to see what is there, and what is achievable by 2017.

I agree that there is a problem with the community in terms of the Workgroup. I agree that some people no longer attend; other's no longer speak there. The Workgroup is not really an educational meeting.

I had a discussion with Larry Woodson and Susan about a CAG last Spring. You were standing next to Norm when I mentioned the word "CAG" to him at a DTSC meeting. He said that he had to catch a plane.

I was advised by DTSC not to form a CAG or a 501c. They felt that it would create CAG or 501c wars.

I think that education is the key. I believe that education needs to come from the agency leaders. I do believe that we need community consultants. But who is the person that is going to be the liaison for the community to those consultants? Historically, it has been Dan for the Workgroup.

We had the EPA TASC meeting. I said that I wanted the TASC group to help the community with interpreting documents and to help us understand the health risks to the community. Again, certain people said that they did not want the EPA TASC team there because Dan could interpret the documents for them. I believe that Marie was one of the main people saying this.

I feel that one failure is that no one ever told us when you were making the effort to pass SB 990 that it would not be an ARAR for the EPA.

As late as December 2007, the community was still asking to be an EPA Superfund NPL site.

It was at the meeting with the State - which I was not invited to - where it was discussed in early January 2007 - that it would be better for the State to maintain the lead. Negotiations went on that weekend. I was only invited to the second meeting - where the decision was already made. I was in L.A. at the Governor's office that day.

The key is - we cannot negotiate as a community members when we do not know the different interpretations of SB 990 by DTSC and the RPs. Many believe that there is only one - as it was written by Senator Kuehl.

But the other RP's can find room within SB 990 to say that they are still SB 990 compliant - and they are also not lying when they say this.

The State must defend SB 990 as the State Attorney General interprets it. And the Federal agencies interpret it with their own attorneys.

In the end, the State will not give Boeing Tolling and a "Reservation of Rights". Boeing did file suit. And I do not believe that there is anything that we can do anymore to change that. I believe that it will go to trial, and I believe that SB 990 will be over turned.

If we have any influence at all - we have to come together and request that it never go below a suburban residential cleanup. And I don't know if NASA has even agreed to that. I was not at the last Workgroup meeting - I did not hear what GSA had to say. I know that NASA says that they are committed to cleaning up the site.

This is why a "Town Hall meeting" on the SSFL was so important. This is what I wanted to achieve - a meeting with the agencies giving the history of the site, Senator Kuehl explaining SB 990, and everyone explaining how to apply that to the site. That Town Hall was deferred until such a time as the DTSC feels that it is the right place in time to have it.

Many people were upset that no community people would be on the stage. No WHNC members were going to be on the stage either.

This meeting was to be just as if the Governor was putting it on himself. The WHNC was just the facilitating group.

This is my personal interpretation of what is going on. I am not speaking on behalf of the WHNC or any of its members.

Best Wishes.

Chris

On Sat, Nov 21, 2009 at 10:02 AM, Christina Walsh

<cwalsh@cleanuprocketdyne.org> wrote:

ACME and other community members would like to form a CAG (Community Advisory Group) for the proper clean-up of the Santa Susana Field Laboratory, where Boeing, NASA and DOE are the responsible parties. To create a CAG requires a petition of 50 signatures.

The purpose of this CAG is to have a structured monthly meeting process where the overseeing regulators would report to the community on the decisions and progress being made.

To sign this petition is NOT the same thing as agreeing to be on the CAG board.

That is a separate process and we welcome the involvement of all community stakeholders who are interested in participating but feel it's important to clarify that it is not mandatory to participate, by signing the petition.

The best decisions are made from a diverse and collaborative point of view, and we feel that the current format of the SSFL Workgroup does not lend to collaborative forward movement in that all the RPs are not included. Just as we noted the exclusion of Boeing from the order (Draft Consent Order) released to the community in August was inappropriate, we also feel that the exclusion of Boeing or any of the key parties from the workgroup, impedes the progress we have waited so long for because we need the primary landowner to share in the participation of this process.

The Petition does not change the formation of the workgroup, but simply creates another body where all community members, and all the responsible parties can participate in a meaningful way and share key information, decisions, and analysis for a truly transparent process. Since there are four sides to the mountain, we believe meetings should be held in all four regional community areas (Simi Valley, San Fernando Valley, Thousand Oaks/Oak Park, and Calabasas/Woodland Hills) so that a continued mix of ideas and concerns can be heard and considered, and public awareness can expand to include the other communities outside of Simi Valley. We would like to volunteer ACME as one of the community locations for meetings to be held due to our extraordinary collection of data, and images that support and lend to the solutions we need and welcome other suggestions for

locations that are convenient to all the surrounding communities concerned.

We started this process by inviting everyone to the ACME SSFL Summit (the first of which was held last night) where everyone was able to come together to talk, discuss, debate, agree, or disagree and continue to exchange ideas. This is how we can ultimately get the clean-up that is safe and protective to the community.

That will never be accomplished in a courtroom, but since Boeing has now filed suit challenging SB990, it is more important than ever to keep moving forward on the investigation and separate the clean-up from the politics. Right now, we have interim source removals and the 2007 Consent Order signed by all the parties in 2007 that was initiated by Norm Riley. We need to make sure these issues keep moving forward. We have a waterboard meeting December 10th where these issues will be discussed, and we need a place for the community to be able to "keep up with all the balls in the air". Meanwhile, we need to understand how any courtroom decisions might impact the work currently being done in the field (background study, soil sampling, NPDES and ISRA issues, etc.) We have state vs. federal, chemical vs. rad, activist vs. property owners, and we need to all understand where we CAN agree and where the real issues of contention really are.

If you wish to support the idea of creating a CAG where all ALL community stakeholders interested in this issue may participate actively and fully in the process to move forward to clean-up.

Once submitted to DTSC, these fifty signatures will begin a process where DTSC will help the community to form this CAG, identify the parties who wish to participate, and create a set of common goals and ideals so that we may move to the next generation of clean-up --- the actual clean-up and we need to stay involved every step of the way.

Please respond to me at talkingarmy@cleanuprocketdyne.org with CAG Request in the subject line, and your name, address, email and phone. If you think this is a good idea, please try and help us and get us three more signatures by passing along this email to others you feel might benefit and be interested in the SSFL clean-up moving forward.

If you are interested in serving as a boardmember of the CAG upon formation, please indicate your wish to participate and your area of interest and/or expertise, which is not to say that expertise is needed, it is simply to help us all to understand the varying perspectives as each of us come to this topic for different reasons.

Christina and Bill
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